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CITY AND COUNTY OF SAN FRANCISCO
13

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 HASTINGS COLLEGE OF THE LAW, a
public trust and institution of higher education
17 duly organized under the laws and the
Constitution of the State of California;
18 FALLON VICTORIA, an individual; RENE
DENIS, an individual; TENDERLOIN
19 MERCHANTS AND PROPERTY
ASSOCIATION, a business association;
RANDY HUGHES, an individual; and
KRISTEN VILLALOBOS, an individual,
20 Plaintiffs,

21 vs.
22

23 CITY AND COUNTY OF SAN
FRANCISCO, a municipal entity,
24

25 Defendant.

26 Case No. 4:20-cv-3033-JST
27

28 **[PROPOSED] ORDER DENYING
PLAINTIFFS' MOTION TO ENFORCE
STIPULATED INJUNCTION AND GRANTING
DEFENDANT CITY AND COUNTY OF SAN
FRANCISCO'S REQUEST FOR JUDICIAL
NOTICE**

Hearing Date: May 23, 2024
Time: 2:00 p.m.
Place: Hon. Jon S. Tigar
Oakland Courthouse
Courtroom 6 – 2nd Floor
1301 Clay Street
Oakland, CA 94612
Trial Date: Not Set

1 Plaintiffs moved to enforce the Stipulated Injunction. Defendant City and County of San
2 Francisco opposed the motion and sought judicial notice of three documents in support of its
3 opposition: (1) Mayor London Breed’s Termination Of Proclamation Of Local Emergency; (2) San
4 Francisco Police Department Bulletin issued on October 18, 2023 titled “23-166 Enforcement of Laws
5 and Ordinances for Individuals Experiencing Homelessness Sitting, Lying, or Sleeping on Public
6 Property (Supersedes DN 23-007)”; and (3) San Francisco Police Department Incident Report data for
7 the time period January 1, 2022 through April 9, 2024.

8 The Court denies Plaintiffs’ motion to enforce the Stipulated Injunction for two independent
9 reasons. First, Plaintiffs seek to enforce terms in Section II of the Stipulated Injunction, all of which
10 expired at the end of the COVID-19 emergency. Those terms ceased to have any force and effect on
11 June 30, 2023. Plaintiffs have no basis to enforce the terms of Section II at this time. Second, Plaintiffs
12 argue San Francisco failed to use reasonable efforts to reduce the tent count in the Tenderloin to zero.
13 The Court finds Plaintiffs failed to submit any evidence affirmatively demonstrating San Francisco’s
14 efforts fell below the standard required by the reasonable efforts clause while it was still in effect. In
15 contrast, San Francisco submitted multiple declarations demonstrating that its efforts were more than
16 reasonable.

17 The Court further grants San Francisco’s request for judicial notice of three documents in
18 support of its opposition, finding each independently satisfies the standards set in Rule 201 of the
19 Federal Rules of Evidence.

20 Accordingly, it is ORDERED that Plaintiffs’ Motion to Enforce the Stipulated Injunction is
21 denied. San Francisco’s Request for Judicial Notice is granted in its entirety.

22 IT IS SO ORDERED

23
24 Dated: _____

25 HONORABLE JON S. TIGAR
26 United States District Judge
27
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